

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

K + S Received

PCT

To:
KILBURN & STRODE
Attn. Bassil, Nicholas C.
20 Red Lion Street
London WC1R 4PJ
UNITED KINGDOM

Date:	30 JUL 2003
Entered:	
Checked:	
F/E	

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year) 30/07/2003

Applicant's or agent's file reference
P34771WO/NCB

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/GB 02/05680

International filing date
(day/month/year) 13/12/2002

Applicant

JAGOTEC AG

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Petronella Vaassen-Elsackers

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/ may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P34771WO/NCB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 02/ 05680	International filing date (day/month/year) 13/12/2002	(Earliest) Priority Date (day/month/year)
Applicant JAGOTEC AG		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

National Application No

PCT/GB 02/05680

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K9/51 A61K9/06 A61K47/14 A61K31/585

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 99 21534 A (MERCK) 6 May 1999 (1999-05-06) claims examples page 4, line 10 - line 13 ---	1-21
A	EP 0 256 285 A (BEHRINGWERKE) 24 February 1988 (1988-02-24) claims examples 4,5 ---	1-21
A	WO 83 00294 A (ARTHUR D. LITTLE INC., U.S.A) 3 February 1983 (1983-02-03) claims page 3, line 10 --- -/-	1-21

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

16 July 2003

Date of mailing of the international search report

30/07/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Scarponi, U

INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB 02/05680

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 87 02582 A (BIOGRAM) 7 May 1987 (1987-05-07) cited in the application claims ----	1-21
A	US 5 091 188 A (D.H.HAYNES) 25 February 1992 (1992-02-25) cited in the application claims ----	1-21
A	US 5 145 684 A (G.G.LIVERSIDGE ET AL.) 8 September 1992 (1992-09-08) cited in the application claims ----	1-21
A	US 5 858 410 A (R.H.MULLER ET AL.) 12 January 1999 (1999-01-12) cited in the application claims -----	1-21

INTERNATIONAL SEARCH REPORT

International application No.
PCT/GB 02/05680

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 18-19 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 02/05680

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9921534	A	06-05-1999	AT 232087 T CN 1278164 T DE 69811233 D1 DK 996429 T3 WO 9921534 A1 EP 0996429 A1 JP 2001520984 T NO 20002133 A	15-02-2003 27-12-2000 13-03-2003 26-05-2003 06-05-1999 03-05-2000 06-11-2001 26-04-2000
EP 256285	A	24-02-1988	DE 3623376 A1 AT 61730 T AU 597688 B2 AU 7553687 A CA 1302257 C DE 3768734 D1 DK 359787 A EP 0256285 A1 ES 2039214 T3 FI 873044 A GR 3001710 T3 JP 63023811 A PT 85292 A ,B US 4801455 A ZA 8705044 A	21-01-1988 15-04-1991 07-06-1990 14-01-1988 02-06-1992 25-04-1991 12-01-1988 24-02-1988 16-09-1993 12-01-1988 23-11-1992 01-02-1988 01-08-1987 31-01-1989 24-02-1988
WO 8300294	A	03-02-1983	EP 0084052 A1 WO 8300294 A1	27-07-1983 03-02-1983
WO 8702582	A	07-05-1987	SE 462894 B AT 50158 T AU 586513 B2 AU 6526586 A CA 1286928 C DE 3668792 D1 DK 327887 A EP 0224457 A1 FI 871958 A ,B, GR 3000410 T3 IL 80125 A IL 92221 A IN 165089 A1 JP 63501150 T KR 9400230 B1 NO 872509 A ,B, NZ 217929 A PH 21729 A SE 8505086 A WO 8702582 A1 US 4931284 A ZA 8607288 A	17-09-1990 15-02-1990 13-07-1989 19-05-1987 30-07-1991 15-03-1990 26-06-1987 03-06-1987 04-05-1987 28-06-1991 26-07-1990 26-07-1990 12-08-1989 28-04-1988 12-01-1994 16-06-1987 26-04-1989 10-02-1988 29-04-1987 07-05-1987 05-06-1990 27-05-1987
US 5091188	A	25-02-1992	AT 181234 T AU 7852891 A CA 2078990 A1 DE 69131349 D1 DE 69131349 T2 DK 533690 T3 EP 0533690 A1	15-07-1999 11-11-1991 27-10-1991 22-07-1999 18-11-1999 22-11-1999 31-03-1993

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 02/05680

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5091188	A	ES 2134776 T3	16-10-1999
		GR 3030825 T3	30-11-1999
		IN 173056 A1	05-02-1994
		JP 3261129 B2	25-02-2002
		JP 5507685 T	04-11-1993
		KR 159114 B1	01-12-1998
		MX 25532 A	01-10-1993
		RU 2100030 C1	27-12-1997
		WO 9116068 A1	31-10-1991
		US RE35338 E	24-09-1996
		US 5091187 A	25-02-1992
		US 5246707 A	21-09-1993
		ZA 9103122 A	29-04-1992
US 5145684	A	08-09-1992	
		AT 184202 T	15-09-1999
		AT 195416 T	15-09-2000
		AU 642066 B2	07-10-1993
		AU 1014592 A	30-07-1992
		AU 654836 B2	24-11-1994
		AU 1014792 A	30-07-1992
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		DE 69229925 D1	14-10-1999
		DE 69229925 T2	17-02-2000
		DE 69231345 D1	21-09-2000
		DE 69231345 T2	26-04-2001
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		DK 499299 T3	02-01-2001
		EP 0498482 A2	12-08-1992
		EP 0499299 A2	19-08-1992
		ES 2139586 T3	16-02-2000
		ES 2149164 T3	01-11-2000
		FI 920321 A	26-07-1992
		FI 920322 A	26-07-1992
		GR 3032059 T3	31-03-2000
		GR 3034759 T3	28-02-2001
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		HU 60635 A2	28-10-1992
		IE 920217 A1	29-07-1992
		IE 920218 A1	29-07-1992
		IL 100754 A	16-10-1996
		IL 100755 A	08-12-1995
		JP 4317053 A	09-11-1992
		JP 4295420 A	20-10-1992
		KR 200061 B1	15-06-1999
		MX 9200291 A1	01-10-1992
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		NO 920333 A	27-07-1992
		NO 920334 A	27-07-1992
		NZ 241361 A	25-06-1993
		NZ 241362 A	25-06-1993
		PT 499299 T	31-01-2001
		SG 55104 A1	21-12-1998
		RU 2074002 C1	27-02-1997
		RU 2066553 C1	20-09-1996
		US 5451393 A	19-09-1995
		US 5494683 A	27-02-1996
		US 5552160 A	03-09-1996

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 02/05680

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5145684	A	US 5399363 A	21-03-1995
		US 5318767 A	07-06-1994
US 5858410	A 12-01-1999	DE 4440337 A1	15-05-1996
		AU 714978 B2	13-01-2000
		AU 3982795 A	06-06-1996
		CA 2205046 A1	23-05-1996
		CN 1172428 A	04-02-1998
		CZ 9701426 A3	15-10-1997
		DE 19581305 D2	05-11-1998
		EE 9700217 A	16-02-1998
		WO 9614830 A1	23-05-1996
		EP 0790821 A1	27-08-1997
		FI 971986 A	08-07-1997
		HU 77526 A2	28-05-1998
		JP 10508614 T	25-08-1998
		NO 972142 A	26-06-1997
		PL 320085 A1	15-09-1997
		SK 58497 A3	05-11-1997